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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Hultgren et al

Serial No: 10/027,350

Art Unit: 1645

Filed: 28 December 2001

Examiner: K. S. Shahnan Shah

TITLE: Therapeutic Compounds Structurally Linked to Bacterial Polypeptides

Docket No.: 469201-582

24 November 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

In response to the Office Action dated 22 September 2003, Applicants herewith submit the following:

1. Election of Invention;
2. Request for 1 month extension of time under 37 C.F.R. 1.136(a);
3. Check for \$110.00 for 1 month extension for a large entity; and
4. Return Postcard.

No fee is believed due in filing these papers. If any fee is due, Applicant authorizes the Commissioner to charge such fees to Deposit Account No. 03-0678.

Serial No.: 10/027,350  
Filed: 28 December 2001

**FIRST CLASS CERTIFICATE**

I hereby certify that this  
correspondence is being deposited  
today with the U.S. Postal Service as  
First Class Mail in an envelope  
addressed to:

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

  
Alan J. Grant, Esq.      11/24/03  
Date

Respectfully submitted,



Alan J. Grant, Esq.  
Reg. No. 33,389

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**ELECTION OF INVENTION**

Sir:

In response to the Restriction Notice, dated 22 September 2003, Applicant responds by electing the invention of Group I (claims 1-19, 25-32, 53-54, 59-60 and 62-65) drawn to an isolated protein construct with traverse.

Applicant believes that the elected claims should be joined with the claims of Group IV because the latter involve a process for using the isolated protein construct and thus any search for the protein constructs that passes the prior art would likewise not disclose any uses thereof. Thus, all of these claims could be searched together.

Because Applicant has elected Group I, Applicant further elects the protein construct of claim 1 as species. Because claim 1 was elected, Applicant further elects as sub-species the antibody vitaxin (of claim 64) and the anticancer agent (of claim 61).

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With the above election of Group and species, the applicable claims are believed to be claims 1-19 (directed to protein constructs), 25-32 (wherein the effector portion is an immunoglobulin, including vitaxin), claim 53 (comprising an adjuvant), claim 54 (the protein construct is in a carrier), claim 59 (a chemotherapeutic agent) and claim 61 (wherein the chemotherapeutic agent is an anticancer agent).

Applicant has included herewith a request for a 1 month extension of time for response for a large entity, along with a check to cover the fee. The due date with 1 month extension is 22 November 2003, which is a Saturday, hence the present response on Monday, 24 November 2003, is timely.

The Commissioner is authorized to charge any additional fees to Deposit Account No. 03-0678.

**FIRST CLASS CERTIFICATE**

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

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